

Mayor's Handbook

A Primer for Small City Mayors



State of Alaska
Frank Murkowski, Governor

Department of Community and Economic Development
Edgar Blatchford, Commissioner

Division of Community Advocacy
Gene Kane, Director

July 2003

Acknowledgments

Prepared by: Division of Community Advocacy

2003 Project Manager: Judy Hargis

1997 Author: Peter Freer

2003 Editors: Mike Black
Roxanne Auge

2003 Design & Layout: Judy Hargis

Graphic Artist: Bud Root, Bud Root Commercial Art & Design

The State of Alaska, Department of Community and Economic Development (DCED) complies with Title II of the Americans with Disabilities Act of 1990. This publication is available in alternative communication formats upon request. Please contact Judy Hargis at 1-907-269-4565 or judy_hargis@dced.state.ak.us to make any necessary arrangements. DCED's Telephonic Device for the Deaf (TDD) number is 1-907-465-5437.

This publication was released by the Department of Community and Economic Development, produced at a cost of \$2.11 per copy and printed in Anchorage, Alaska

Table of Contents

Chapter I. Introduction	1
Chapter II. The Job of the Mayor	2
Chapter III. Legal basis for the Mayor's Duties	
Title 29	3
Local Code	4
Chapter IV. Legal Responsibilities of the Mayor	
Administrative Duties	
Appoint, Suspend or Remove Officials	7
Supervise the Enforcement of Law	7
Prepare the Annual Budget	8
Make Monthly Financial Reports	8
Exercise Custody Over Municipal Property	8
Perform Other Duties	8
Serve as Personnel Officer	9
Executive Duties	
Preside over Meetings	9
Execute Official Documents	9
Ceremonial Head of Government	9
Veto Power	10
Chapter V. Personal Responsibilities of the Mayor	
Commitment	11
Sufficient Time	11
Concern for Community	11
Ability	12
Work Ethic	12
Leadership	12
Vision	12

Chapter VI. Political Responsibilities of the Mayor

The Mayor as Ombudsman	13
As Advocate/Lobbyist	13
As Sounding Board	13
As Spokesman	14
As Problem-Solver	14
As a Mediator	15
As Futurist	15
As Leader	15
As Hard-Headed Realist	16

Chapter VII. Technical/Legal Aspects of the Job

Public Interest	17
Public Health and Welfare	17
Open Meetings	17
Financial Conflict of Interest	18
APOC Reports	19
The Appearance of a Conflict of Interest	20
Nepotism	20
Getting Jobs for Friends	20
Use of City Property	21
Veto	21
Mayor Pro Tempore	21
Vacancy in the Office of Mayor	22
Salary	22
Understanding Parliamentary Procedure	22

Chapter VIII. Running a Meeting

Role of Presiding Officer	23
Maintaining Order	23
Keeping the Business Moving	23
Managing Testimony	24
Being Even-Handed	24
Preventing Arguments	24
Parliamentary Procedure	24
Main Motion	25

Subsidiary Motions	25
Privileged Motions	25
Incidental Motions	25
Making a Motion	26
Tying Things Together	26

Chapter IX. Relationship with the Council

The Mayor is Not a Member of the Council, Except in	
Second Class Cities	27
Who Works for Who?	27
Hearing the Whole Council	28
Keeping the Council Informed	28
Using the Council's Talents	28
The Use of Committees	29
The Use of Work Sessions	30
Maintaining Working Relationships	30

Chapter X. Desirable Personal Characteristics

Fairness	31
Tact	31
Quick Thinking	31
Respect	31
Speaking Ability	31
Understanding the Issues	32
Diplomacy	32
Toughness	32
The Ability to Make Decisions	32

Chapter XI. The Rewards of being Mayor

Getting the Job Done	33
Helping People	33
Improving the Community	33

This handbook only describes some of the basic duties, responsibilities and activities of the mayor. Additional information on a mayor's responsibilities and a variety of other local government resources is available on the Division of Community Advocacy's website - Local Government OnLine (LOGON) at:

<http://www.dced.state.ak.us/dca/LOGON/home.cfm>

Chapter I. Introduction

This handbook is intended as a primer, or a kind of introductory “how to” book, for the mayors of small municipalities. The purpose of this handbook is to focus on the many similar traits and characteristics in the office of the mayor, regardless of the class of municipality or form of government. The emphasis, however, will be on municipalities with the ‘strong mayor’ form of government. The handbook is meant to answer commonly asked questions, to provide important information and to familiarize small town mayors with the full range of responsibilities and duties the public, members of the council and outside agencies will expect of them.

Mayors are elected differently in “first-class” and “second-class” cities. The actual powers of the mayor will differ between “general law” (i.e. first and second-class) and “home rule” municipalities, and between cities with the “strong-mayor” and the “manager” forms of government. While these differences are important, there are many aspects of the mayor’s job that are similar regardless of the class or type of government. It is these similarities that underlie the discussions in this handbook.



Chapter II. The Job of the Mayor

The position of mayor is considered one of the most important elected positions in town. By virtue of being chosen by residents, the mayor is acknowledged to be a civic leader, someone who has earned the confidence of the community. The mayor may not be the most powerful or even the most popular, person in town. However, the mayor sits in a strong position and can use considerable influence in determining city finances, taxes, services and other policies. The mayor chairs the council meetings and will be expected to lead the council to resolution even on difficult issues.

The mayor is a visible public figure frequently consulted or criticized about city affairs. Typically, the mayor has to work harder at her/his job than council members because she/he is expected to know about all of the issues facing the city. The position can be time-consuming, even unrewarding, but it remains a position of responsibility and respect, that can bring out the best in people and give hard-working and committed residents an opportunity for leadership.



Chapter III. Legal basis for the Mayor's Duties

The legal basis for the mayor's duties is explained in state law (Title 29 of Alaska Statutes) and local law (the city code of ordinances).

◆ Title 29

State laws, or statutes, are contained in 47 Titles covering subjects from agriculture to public records. Title 29 of Alaska Statutes (AS 29) contains state laws for municipal governments, including a description of the powers and duties of the mayor. Title 29 states:

Sec. 29.20.250. Powers and Duties of Mayor. (a) If a municipality has not adopted a manager form of government, the mayor is the chief administrator and the mayor has the same powers and duties as those of a manager under AS 29.20.500.

(b) The mayor may take part in the discussion of a matter before the governing body. The mayor may not vote, except that the mayor of a first class city or the mayor of a borough with a manager form of government may vote in the case of a tie. The mayor of a second class city, as a council member, may vote on all matters.

For clarification, a manager and an administrator are different. Many cities hire an administrator, who may work for the mayor but usually works for the whole council. In this arrangement, the mayor is the executive and chief administrator (called 'strong mayor' form of government), while the hired administrator can exercise powers or duties only as delegated by the mayor and council. With the manager form of government the manager is the chief administrator. A city must hold an election to adopt the manager form of government. The duties of the manager are listed in Title 29.

Sec. 29.20.500. Powers and duties of manager. The manager may hire necessary administrative assistants and may authorize an administrative official to appoint, suspend or remove subordinates. As chief administrator the manager shall

(1) appoint, suspend, or remove municipal employees and administrative officials, except as provided otherwise in this title and AS 14.14.065;

(2) supervise the enforcement of municipal law and carry out the directives of the governing body;

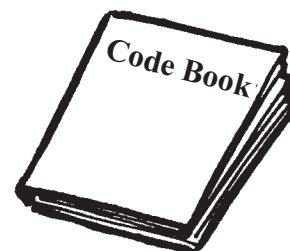
(3) prepare and submit an annual budget and capital improvement program for consideration by the governing body, and execute the budget and capital improvement program adopted;

- (4) make monthly financial reports and other reports on municipal finances and operations as required by the governing body;
- (5) exercise custody over city property, except property of the school district;
- (6) perform other duties required by law or the governing body; and
- (7) serve as personnel officer, unless the governing body authorizes the manager to appoint a personnel officer.

Keep the following ‘rule of thumb’ in mind: in a city with the ‘strong mayor’ form of government, the mayor has substantial authority over the day-to-day operations of the city (chief administrator) as well as being the chief executive. In a town with the manager form of government, the mayor remains the chief executive, but delegates administrative duties to the manager.

◆ Local Code

The municipal code of ordinances usually has information about the mayor’s powers and duties. You should read the section of your city’s code about the mayor, so you know exactly what kind of laws have been adopted by the council. Two examples of the mayor’s powers and duties are given in the following pages. The first is from the City of Rocky Point, a first class city with a strong mayor form of government. The city code is based closely on Title 29. The second example is from the City and Borough of Kivlektortk, which has a manager form of government. The administrative duties are delegated to the manager by law.



Mayor's Powers in the City of Rocky Point

1. Appoint city employees and administrative officers, except as provided otherwise in local ordinance or in AS 14.14.065; hire necessary administrative assistants and may authorize an appointive administrative officer to appoint, suspend, or remove subordinates.
2. Suspend or remove by written order city employees and officers except as otherwise provided in local ordinance and AS 14.14.065.
3. Supervise enforcement of city law.
4. Prepare the annual budget and capital improvement program for the council.
5. Execute the budget and capital improvement program as adopted.
6. Make monthly financial reports to the council on finances and operations.
7. Report to the council at the end of each fiscal year on the finances and administrative activities of the city.
8. Exercise custody over all real and personal property of the city.
9. Serve as personnel officer unless the council authorizes the mayor to appoint a personnel officer.
10. Execute other powers and duties specified in Alaska Statute 29 (Title 29) or lawfully prescribed by the council.
11. Act as ex officio chairman of the various boards and commissions when required.
12. The mayor may take part in the matters before the governing body, but in the case of a first class city, may not vote except in the case of a tie.

Mayor's Powers in the City and Borough of Kivlektortk

2.16.010 Mayor as Executive. The mayor shall preside at assembly meetings, act as ceremonial head of the borough, execute and/or sign documents on the borough's behalf on authorization of the assembly, and is responsible for those additional duties and powers described in section 2.16.020 and any others which from time to time shall be authorized by the borough assembly.

2.16.020 Mayor's Additional Duties. The mayor shall, in addition to the powers and duties conferred on his office by section 2.16.010:

- A. Act as ex officio chairman of the board of adjustment for matters of building and zoning regulations of the Borough; and
- B. Act as ex officio chairman of the board of equalization for matters of taxation and special assessments.

As you can see from reading these two codes, having a manager form of government makes a lot of difference in the legal duties of the mayor.

In the following chapter, the mayor's administrative and executive duties are explained in more detail.

Chapter IV. Legal Responsibilities of the Mayor

The mayor has both administrative duties and executive duties. Basically, administrative duties includes work such as paying bills, answering letters, completing forms and applications, submitting reports, researching council questions and explaining council policy, working with vendors such as insurance providers or construction contractors and other day-to-day activities. In some cities, the mayor and council may delegate these duties to an administrator.

Executive duties, on the other hand, are the leadership duties that only the mayor may exercise. They may be delegated to the vice-mayor in the mayor's absence, but may never be delegated to an administrator or other nonelected position.

◆ **Administrative Duties**

→ **Appoint, Suspend or Remove Officials**

This is the power to hire, fire and discipline employees. This power must be exercised with thought and discretion. Employees should be hired based on their merit and ability. Employees should be disciplined or removed only for just cause such as inability or failure to perform their job. Abuse of this power can lead to charges of favoritism or cronyism, can cause the public to become disenchanted and cynical about their city government, and can even lead to lawsuits if employees have been dismissed for personal or political reasons unrelated to their performance. Many cities have personnel ordinances as part of the city code, that specify the procedures and rules for hiring, evaluating and dismissing employees.

→ **Supervise the Enforcement of Law**

This does not mean the mayor has to be a policeman. It does mean that the mayor is ultimately responsible for the enforcement of local law, and must assure that local laws are being fairly administered and implemented. The mayor may supervise a police officer or a Village Public Safety Officer (VPSO). A member of the council may be in charge of public safety, or, in some cases, the mayor may have to deal directly with a violation. Local officials may also enforce state laws, but should do so in communication with the state troopers.

→ Prepare the Annual Budget

While listed as a responsibility of the mayor, the entire council should participate in preparing the annual budget. Usually, the whole council sits as a finance committee in the Spring, to write the next year's budget. The mayor should lead these discussions and may wish to 'push' for certain activities, such as road grading or sewer system maintenance, that reflect her/his priorities. The mayor may also take the lead in budget writing by estimating revenues and expenditures for the upcoming fiscal year based on actual figures in the current fiscal year.



→ Make Monthly Financial Reports



There is no substitute for reliable information. Whether making changes to the budget or developing an accurate "snapshot" of the budget part way through the fiscal year, having accurate information is essential. The monthly financial report provides this information. It is simply a running "tally" of revenues, expenditures and account balances that tells the council whether it is spending over or under its budget, and where funds can be transferred between budget line items if needed.

→ Exercise Custody Over Municipal Property

This does not mean the mayor has the only set of keys to the maintenance garage or the health center. The council adopts policies and procedures for municipal property — which it may write itself or accept as a recommendation from the staff — that the mayor, as chief administrator, is ultimately responsible for implementing. The actual day-to-day responsibility may be delegated to the administrator or the clerk, or in a bigger town, to the public works foreman.

→ Perform Other Duties

Mayors have many duties that are not listed in Title 29 or even in the local code of ordinances. The mayor should know what the code says. At the same time, the mayor should also recognize that the duties that have "grown up" around the office may be the result of council policy; may be the result of local tradition or custom; or may be the result of a particular mayor's leadership style and abilities. There are many duties expected of the mayor that are not described in state or local law. These duties are discussed in the Chapter VI, Political Responsibilities of the Mayor.

→ **Serve as Personnel Officer**

The personnel officer is basically the person in charge of hiring, firing, evaluating and disciplining employees. In a larger town, this duty often is delegated to a staff person, such as the administrator. In a town with minimal staffing this may not be possible. Still, there are actions the mayor and council can take to make this job easier. For example, the mayor can form a personnel committee on the council to draft personnel policies and procedures for review and adoption by the full council. The mayor and council can (and should) write job descriptions for each city position. Employees can (and should) be evaluated regularly. The council can participate in interviews when hiring new positions. Keeping these simple rules in mind can help the mayor “do the right thing” such as hire people based on their ability for that job, evaluate employees based on their performance and always be fair with everyone.



◆ **Executive Duties**

→ **Preside over Meetings**

The mayor chairs the meetings of the council. This is a job that can require tact, patience, problem-solving and persistence. The mayor must know the issues and be prepared to lead the council through discussion and resolution of some difficult issues. This important role of the mayor is discussed in detail in Chapter VIII, Running a Meeting.

→ **Execute Official Documents**

The mayor executes an official document by signing it. The document may be an ordinance or resolution adopted by the council and witnessed by (typically) the city clerk. It may also be a grant agreement, a payroll check or a purchase order for chlorine for the water system. A document is official when it commits the city politically, legally or financially to some course of action.

→ **Ceremonial Head of Government**

The mayor, when she/he cuts a ribbon opening a new building or greets a visiting delegation from China, is acting as the ceremonial head of government. As the political leader of the city, the mayor is expected to be the city’s official host and official greeter, sort of like a goodwill ambassador and master of ceremonies rolled

into one. If this role is too uncomfortable or too ‘foreign’ to the mayor, it may be delegated to the vice-mayor or to a council member. However, neither of these other positions carries the importance or distinction of the office of mayor.

→ **Veto Power**

A veto is the mayor’s refusal to sign an ordinance or resolution into law, or to accept a council motion or other council action. The mayor must state, in writing, his/her reasons for vetoing an ordinance, resolution, motion or other council action. The mayor may also use the veto power to strike or reduce appropriation items in the city budget after it has been adopted by the council. *NOTE:* The mayor of a second-class city does not have veto authority. Further discussion of vetos is in Chapter VII, Technical/Legal Aspects of the Job.



Chapter V. Personal Responsibilities of the Mayor

➔ Commitment

Imagine if your mayor was not really interested in doing the job, or spent very little time or effort at it. Do you want someone like that representing you at city hall? The mayor needs to care about the community. The person who is mayor needs to be committed to the continued well-being of the community. Most of all, the person must want to be the mayor, not for the glamour or the prestige or the “perks” of the office, but because the person is sincerely interested in the position and in doing the best job possible.

➔ Sufficient Time

There is no substitute for the amount of time it takes to perform the job of mayor properly. The mayor must attend meetings and work sessions. The mayor must be available to constituents and to local groups and organizations. The mayor must spend time away from meetings and other activities learning about issues and problems. The mayor must be available to meet and work with other communities, state and federal agencies, the legislature and other organizations with which the community does business. The mayor must be willing to take the lead on important community initiatives. There is no shortage of activities for the mayor. In fact, the mayor will not be saying “yes,” but saying “no” to more and more time demands. This will be hardest thing for the mayor to do. The mayor should be prepared to put in a considerable amount of time above and beyond a regular job, anywhere from 5 to 20 hours a week.

➔ Concern for Community

Everyone wants a bright future for their community. Jobs, adequate housing, and good public health. Not everyone, however, is willing, interested or able to make good things happen for their community. The mayor, whether she/he wants to be or not, is very often the focal point for such concern. Residents assume that a person who runs for mayor, or is elected mayor by the council, wants to work for the benefit and improvement of the community. A mayor who is not concerned about the well-being of their community, or fails to show any interest in community improvement, will end up frustrated and unhappy.

➔ Ability

No one is expected to know all about the job of mayor when they are elected. People realize the mayor will have to learn “on the job” and that it will take time — a few weeks or even months — for the mayor to understand his/her duties and establish a pattern. The point is, people will expect the mayor to meet the challenge of the office by showing not only energy and interest, but ability as well. Ability has many forms, including knowledge of the law, leadership, fairness, vision, work ethic, and understanding the issues. As different people have different talents, mayors will have differing abilities. Some expression of those abilities will be expected.



➔ Work Ethic

The mayor will be expected to work harder than members of the council because, as the leadership position, the mayor will be expected to understand all the issues and guide the council to action. Hard work can overcome many other obstacles. Hard work coupled with vision and leadership can be an unbeatable combination. Towns with lazy mayors, and towns that don't care, will face many obstacles trying to take control over their future and make positive decisions for the community.

➔ Leadership



Leadership is not just being in charge. Leadership is not achieved by merely having a title or an official position. Leadership is a personal quality that involves taking charge, taking responsibility, making decisions based on credible information, understanding the interests of the community, exercising good judgement, being fair and respecting others. Many qualities make a leader.

➔ Vision

Having vision is looking into the future and having a picture, a snapshot, of where the community should be in two, five or ten years. This may include new facilities for youth or seniors; increasing (or decreasing) services; social initiatives dealing with alcohol; economic development; infrastructure like water, sewer, housing and roads; or any number of other matters. Most important is that the vision is strongly linked to the overall welfare and needs of the community. Much harder than having a 'vision' is being able to identify and undertake the step-by-step accomplishments that fulfill the vision. It can, and probably will, take considerable time to realize a vision through actual projects, accomplishments, budget appropriations, and so on.

Chapter VI. Political Responsibilities of the Mayor

◆ The Mayor as Ombudsman

Webster's Dictionary defines an ombudsman as "a government official who receives and investigates complaints made by individuals against abuses or capricious acts of public officials." People naturally will bring their complaints about city employees and city policy to the mayor.

In some cases, people may simply want to get a complaint "off their chest." In other cases, people will expect the mayor to look into their complaint and respond to them. It is the mayor's job to determine the validity of complaints, take corrective action if it is needed, and report back to the person making the complaint. Complaints can also be without merit, in which case the mayor should explain or defend the city's position.

◆ As Advocate/Lobbyist

As chief spokesman for the city, the mayor is expected to be an advocate for city interests and for positions taken by the city council. Advocacy can take many forms. For example, the mayor may act as a lobbyist, promoting city projects with state and federal agencies and the legislature. The mayor may testify for or against legislation that affects the city. The mayor may push for city interests in groups such as the Municipal League, the regional government conference (i.e., SWAMC, Southeast Conference). The point is, the mayor will be expected to advance the city's position or the city's interests in many different forums.

◆ As Sounding Board

Residents may not feel comfortable going before the full council to express an idea, but will think nothing of taking the mayor aside in the store or at the boat harbor to present an idea for the city to think about. While some people just want a chance to complain or get something off their chest, others will use the mayor to test or "sound out" an idea that may be beneficial to the city. The mayor should be able to tell the difference, and respond to ideas or proposals that may be in the city's interest. In this response, the mayor has to make judgements, show knowledge of the community and be a credible indicator of what is realistic or possible.

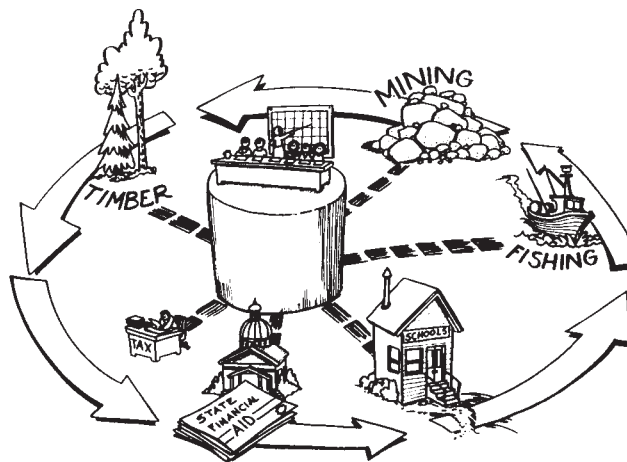
◆ As Spokesman



Frequently, the mayor will present actions or positions taken by the city council to residents of the city. There are many forums in which the mayor may be a spokesman: one-on-one with residents, at the coffee shop, at a chamber of commerce luncheon, in a weekly mayor's report on local radio or before a legislative committee. There will be instances when the mayor does not personally support positions taken by the council but must represent them. The city's official position must also be the mayor's public position as the city's spokesman.

◆ As Problem-Solver

Suppose a person were told before they went to sleep one night that, when they got up in the morning, they would have to have the answers to a lot of complicated questions. Well, this is kind of what happens to someone when they are elected mayor. Suddenly, council members, residents, and others, expect the mayor to understand issues and situations and have some idea how to address or resolve them. Problems can be immediate ones, like bringing a tough issue to a vote at a council meeting, or longer-term, like identifying realistic community economic development goals. The mayor will have to solve problems for individuals; problems among council members; and problems with city services. The list gets long. The mayor should learn to separate problems according to their importance and immediacy, and should never simply set them aside as a means of dealing with them.



◆ As a Mediator

The mayor has to be a mediator in trying to bring together the different viewpoints of council members. The mayor must be able to see all sides of an issue and explain the larger “picture” to council members who may not see it (they still may not agree). The mayor may also have to mediate when two or more council members have strongly conflicting views. The chances for success are improved if the mayor keeps in mind the interests of the public and the community at large. In addition, the mayor should never take sides until she/he knows all the facts of a particular issue.

◆ As Futurist

No one has a crystal ball to know what is going to happen five or ten years from now. Still, mayors and councils think about the future all the time when they adopt budgets, make 5 year capital improvement plans, anticipate the demand for residential and industrial land, and so on. If the mayor and council have a plan in mind — a vision — of what the community can be like, then decisions can be made that help to realize the vision. Linking decisions to the fulfillment of a plan can help the community achieve its goals.



◆ As Leader

Books have been written about leadership. No one can tell the mayor how to be a leader, but some of the characteristics of leadership can be identified. These include a willingness to accept duty and responsibility; a willingness to confront challenges and take risks; the ability to choose sides and make informed decisions; the ability to understand basics over details; the composure and confidence to set an example for others; the desire to forge solutions and not to seek out others for blame; the ability to look forward as well as backward; the desire to treat people fairly and the expectation that people will behave responsibly; and, the ability to understand the community, its values, its standards and its goals for the future.

◆ As Hard-Headed Realist

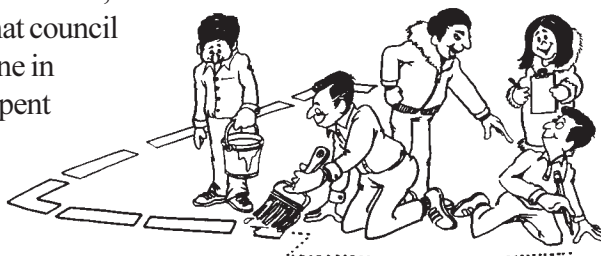
Sometimes, the mayor may have to get in front of an issue important to the city and drag the council reluctantly along. Since the mayor has to “spend” political “capital” to convince council members his/her position is right, it is important to pick issues carefully, and never to pick issues for which no real support exists or that cannot be won. When the mayor knows that the city must pursue a course of action, or address and resolve an issue, however, she/he may have to be hardheaded in dealings with the council. This could include gathering public support for her/his position, lobbying other council members (Be mindful of the Open Meetings Act!), enlisting the support of key individuals or simply appealing to their good sense and civic duty.



Chapter VII. Technical/Legal Aspects of the Job

■ Public Interest

This term is used a lot, but what does it mean? All citizens have an interest in the actions of their government. All citizens have an expectation that government is working to promote and protect their interests. These ‘interests’ are the broad, collective interests that people have in common, such as having clean water; knowing that council business is properly advertised and done in public; knowing that public funds are spent to maximize public benefits; and that local laws and ordinances make sense and are consistent with community values and standards.



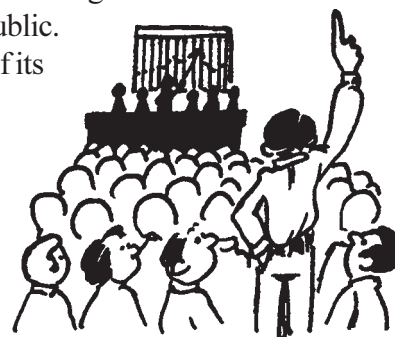
Obviously, government cannot promote the individual interests of the public, since every individual will have different beliefs, values and ideas. Nor does the sum of all individual interests equal the overall public interest, since these interests will be different for each person.

■ Public Health and Welfare

The public health and welfare can be viewed as the well-being of the public, or the community, at large, as distinguished from the well-being of an individual or a small or limited class of the public. The concept of public welfare includes the basic social interests of safety, order and morals, common to the community at large.

■ Open Meetings

The state open meetings law in AS 44.62.310 says that all meetings of public bodies, including city councils, are open to the public. This means that the council must not only provide notice of its regular and special meetings, but of its work sessions and committee-of-the-whole meetings as well. The city code should contain all of the requirements for public notice of meetings including what is in the notice, where the notices are posted and how soon before the meeting the notices are posted.



Alaska courts have ruled strongly in favor of the open meetings act. Actions taken at unnoticed or improperly noticed meetings can be voided. It can also cost cities a great deal of money to defend officials against charges of open meetings act violations. Never privately engage in council decision-making or substantive discussions of issues that are before the council, even among two or three members. This kind of discussion has been, and can be, construed as violating the Open Meetings Act.

As a practical matter, council members are always going to be talking to one another. After all, people talk about the things they have in common, and council members are no exception. When members pass each other on the street, or sit together in the cafe for coffee, it is almost natural that the conversation will include city business. Just be careful that you do not commit your vote, or seek another member's commitment, and that you do not engage in discussion that leads you to a conclusion on an issue before it is heard by the full council.

A lot of ideas can result from casual encounters outside the pressure and formality of the council chambers. Exchanging information, ideas and viewpoints can be valuable, but remember: just like with a conflict of interest, if you think you have gone 'too far' in informal conversations with other members, then you probably have and you should stop.

■ Financial Conflict of Interest

It is against the law to participate as a public official in a matter in which one has a personal, financial interest. Laws on conflict of interest are contained in Title 29 and Title 39 of Alaska Statutes. Title 29 requirements are listed below. Title 39 requirements are contained in the following section on "APOC Reports."

A simple rule of thumb is that, "it is OK to have a conflict of interest, but it is wrong to fail to report it." A statutory conflict of interest occurs when the mayor has a financial interest in a matter before the council. Cities must have a conflict of interest ordinance, or the conflict of interest provisions of AS 29.20.010 will apply. These provisions provide that:

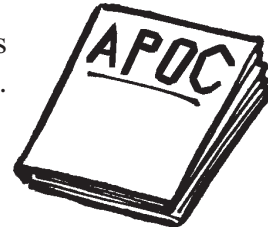
1. A member of the governing body shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter.
2. The presiding officer shall rule on a request by a member of the governing body to be excused from a vote.



3. The decision by the presiding officer on a request by a member of the governing body to be excused from a vote may be overridden by a majority vote of the governing body.

Mayors in small towns can be expected to encounter conflicts. If the mayor believes she/he has a financial conflict in a matter before the council she/he should hand the gavel over to the vice-mayor, seek a ruling from the vice-mayor on whether or not a conflict exists, and if it does, refrain from taking part in debate or voting.

NOTE: Some communities have voted to exempt themselves from the requirement to file APOC financial disclosure forms. This does not exempt anyone, however from conflict of interest disclosure.

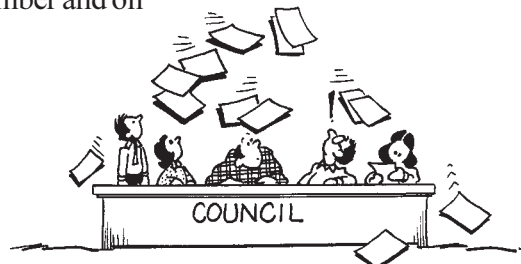


■ APOC Reports

APOC stands for Alaska Public Offices Commission. Mayors and other local elected officials must comply with the conflict of interest reporting requirements contained in Title 39 of the Alaska Statutes. The reports, or disclosure forms, are available from the city clerk, and a copy must be submitted to the APOC where they are kept on file as a public record. The originals are kept on file by the city clerk. The purposes of Title 39 and of the disclosure report are fourfold (AS 39.50.010):

1. To discourage public officials from acting upon a private or business interest in the performance of a public duty.
2. To assure that public officials in their public acts are free of the influence of undisclosed private or business interests.
3. To develop public confidence in persons seeking or holding public office, enhance the dignity of the offices and make them attractive to citizens who are motivated to public service.
4. To permit accountability in government by permitting public access to information necessary to judge the credentials and performance of those who seek and hold public office.

In the report, the mayor must list family income; business ownership and/or interests; property ownership; trust relationships and income; loans and loan guarantees; public contracts; and mineral, timber and oil leases.



■ The Appearance of a Conflict of Interest

Not all conflicts will involve a substantial financial interest. Some conflicts may involve only the appearance of an impropriety or the appearance of an unfair advantage. The ‘appearance’ of a conflict of interest is not a violation of the law such as for financial conflicts under Titles 29 and 39. Nevertheless, these conflicts should be declared as well, so the public doesn’t think that council members are self-serving and just looking out for themselves. A good rule of thumb to follow is if you think you have a conflict, turn the meeting over to the vice-mayor, then declare the conflict and let the vice-mayor determine if you should vote or not. Remember, though, only declare a conflict when you really believe you have one. Never declare a conflict to avoid having to take a position or vote on a tough issue. You didn’t get elected to avoid the tough issues, but to deal with them.

■ Nepotism

Black’s Law Dictionary defines nepotism as a, *bestowal of patronage by public officers in appointing others to positions by reason of blood or marital relationship to appointing authority*. More simply, nepotism occurs when the mayor hires a family member for a city position. There is no state law that forbids nepotism in city employment; however, cities may ban the practice through the local code of ordinances. Even though there is not a state ban, hiring family members looks bad and may affect public confidence in, and support for, the council. This kind of situation is worsened when a family member is hired without regard to merit or ability.

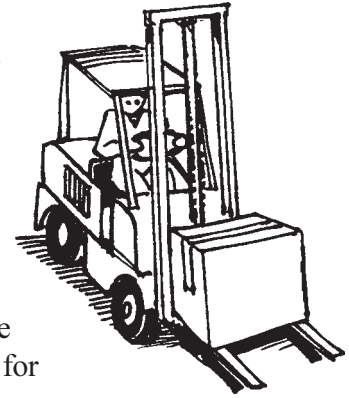
In small towns, circumstances may result in a family member of the mayor being hired if that person is best qualified for the position. When hiring for city positions, the mayor should always follow the principle of hiring the most qualified person.

■ Getting Jobs for Friends

The only difference between hiring friends and nepotism is that nepotism involves family members. Like nepotism, hiring friends for city positions or giving city contracts to friends can raise claims of favoritism and cronyism at city hall, especially if friends are hired without regard to merit. This can affect public confidence in the mayor and council, and in their ability to make good decisions. City positions should always be filled on the basis of merit. City contracts should always be awarded to the most qualified or most competitive party.

■ Use of City Property

It is not uncommon for city employees to drive city vehicles to and from home. For example, the water system operator may drive the utility department pickup truck home, in case there may be call-outs after regular working hours. Using the truck to go deer hunting, however, would probably not be regarded as acceptable. Some cities also rent out equipment, such as backhoes or light plants. Equipment should be rented at set rates and according to policy set by the council. No exceptions to the policy or rates should be made for anyone, including the mayor, council or city staff.



■ Veto

All mayors except for the mayors of second class cities have veto powers. A veto is simply the refusal to allow the enactment of measures adopted by the council. Under state law, the mayor may veto an ordinance, resolution, motion, or other action of the council, and may eliminate or reduce items in the budget. A veto must be exercised before the next regular meeting of the council and must be accompanied by a written explanation of the reasons for the veto. A veto may be overridden by a vote of two-thirds of the authorized membership of the council within 21 days following exercise of the veto, whichever is later [AS 29.20.270(b)].

The veto power does not extend to:

1. Appropriation items in a school budget ordinance.
2. Actions of the council sitting as the board of equalization or the board of adjustment.
3. Adoption or repeal of a manager form of government.
4. Adoption of an ordinance by initiative to prohibit the possession of alcoholic beverages.

■ Mayor Pro Tempore

Pro tempore is Latin meaning “temporarily” or “for the time being.” A mayor pro tempore [pro tem is often the term used] is simply a member of the council selected temporarily to the office of mayor if the mayor is away, unable to perform his/her duties or has vacated the office. The pro tem mayor serves only until the position is filled at a regular or special election. If the council has appointed a deputy or vice-mayor, then this person would serve as mayor pro tem.

■ Vacancy in the Office of Mayor

For all cities except home rule cities, state law in AS 29.20.280 states the terms upon which the office of mayor may be declared vacant. The council, by a two-thirds vote, declares the office of the mayor vacant only when the mayor:

1. Fails to qualify or take office within 30 days after election or appointment.
2. Unless excused by the council, is physically absent for 90 consecutive days.
3. Resigns and the resignation is accepted.
4. Is physically or mentally unable to perform the duties of office.
5. Is convicted of a felony or of an offense involving a violation of the oath of office.
6. Is convicted of a felony or misdemeanor for elections misconduct (see AS 15.56).
7. Is convicted of a campaign violation under AS 15.13.
8. No longer physically resides in the municipality.
9. If a member of the governing body in a second class city, misses three consecutive regular meetings and is not excused.

■ Salary

Under AS 29.20.620, the governing body must determine the salary of an elected official by ordinance. Unless there is an ordinance stating otherwise, elected officials may **not** receive any pay other than stipends, per diem, or reimbursable expenses. The salary of the mayor may not be reduced during the term of office of the mayor, unless voters have approved the city manager form of government.

■ Understanding Parliamentary Procedure

The mayor should have a basic understanding of making, amending and adopting motions. Almost all city councils use either Roberts Rules of Order or Masons Rules of Order. These rules are used to conduct debate and manage the other business of the council meetings. For more information, refer to Chapter VIII and the section on Parliamentary Procedure (page 24).

Chapter VIII. Running a Meeting

➔ Role of Presiding Officer

As the presiding officer, the mayor is responsible for running the meeting. The quality of the meeting, the ability of the council to get its work done, the discussion between council members and the public, the quality of council decision-making, all will depend on the mayor's style and ability as presiding officer.



The presiding officer has considerable power. For example, the presiding officer must recognize council members before they may speak. The presiding officer can decide on points of order such as whether the agenda is being followed or whether a motion is appropriate. The presiding officer rules on requests for abstention from voting based on a council members conflict-of-interest. The presiding officer appoints members to committees. The presiding officer can control unnecessary critical discussion. The presiding officer can give assignments to individual council members. The presiding officer can refuse to recognize absurd or weird motions intended only to disrupt or obstruct business. The presiding officer can enforce the rules of order and decorum by ruling disruptive behavior “out of order.”

The sections that follow discuss some of the duties and responsibilities the presiding officer has in running the meeting.

➔ Maintaining Order

The mayor should never allow members of the public to clap, cheer, whistle, and so on, during public comments or when the council is deciding or discussing an issue. The mayor should stop this kind of behavior, instruct people to follow the rules and run an orderly meeting. The mayor should never allow members of the council to accuse or challenge one another, members of the public who are testifying, or people in the audience.

➔ Keeping the Business Moving

The council should not endlessly agonize over issues, constantly request new information, or otherwise delay making a decision when they have the information necessary to make a decision. The mayor needs to move the meeting along by summarizing council member's positions, identifying facts and points of agreement, clarifying the actual issues, and bringing matters to a vote. Failure to do so will result in issues piling up, which is unfair to the public, which expects its business to be conducted, and to individuals, who may have a direct interest in matters before the council.

→ Managing Testimony

Public testimony should be held to a reasonable length of time, say, 3 to 5 minutes per person, especially if a lot of people want to address the council. Testimony should be about the matter before the council. The mayor should not allow witnesses to repeat the same testimony over and over again. The mayor should never allow members of the public to make personal accusations against council members or other members of the public.

→ Being Even-Handed

The mayor must treat everyone fairly and with an even hand, even if this is contrary to her/his personal feelings. Generally, running a meeting with a polite, positive tone helps this goal. The mayor should not be “preachy” and heavy-handed; should not be short or rude to council members or members of the public; should not take advantage of the ignorance or naivete of members; and should work with members to phrase motions properly rather than ruling them out of order.

→ Preventing Arguments

The mayor should stop sharp or personal exchanges from taking place between council members, or between council members and members of the public. The mayor should limit the dialogue between council members and members of the public who are testifying to fact-gathering that contributes to the council’s ability to make decisions. Maintaining polite discussions and exchange of views will help maintain the credibility and standing of the mayor and council.

→ Parliamentary Procedure

People often think parliamentary procedure is something awful, something too complicated ever to make any sense. Well, it's not as bad as you think. There are rules, or tips, that can help you understand parliamentary procedure and use it correctly. Almost all city councils use either Roberts Rules of Order or Masons Rules of Order.



The use of rules, or parliamentary procedure, for debate, fulfills several important purposes. It provides form or structure for debate. It assures that only one item at a time is before the council for debate. It provides a forum for debate that is fair to everyone and partial to no-one. Finally, it permits the will of the majority to prevail, while protecting the rights of the minority and permitting all sides of an issue to be heard. Councils can use their own rules for parliamentary procedure, but most use Robert’s Rules since they are familiar and well-established.

Parliamentary procedure works on a system of motions, how they are made and acted on. There are categories of motions and there are relationships between motions. There are four types of motions:

Main Motion

The main motion is the motion that brings an item of business before the council for formal deliberation. Only a main motion can bring matters before the council for a vote.

Subsidiary Motions

Subsidiary motions are motions that relate directly to, and amend, a main motion. There are seven subsidiary motions, as listed below:

- Motion to lay on the table.
- Motion to move the previous question.
- Motion to limit, or to extend the limits, of debate.
- Motion to postpone to a time certain.
- Motion to refer to a committee or to staff.
- Motion to amend.
- Motion to postpone indefinitely.

These motions are listed in the order they must be dealt with or in their “order of precedence.” That is, they must be dealt with in this order if more than one is on the floor at the same time. For example, a motion to “lay on the table” has “precedence over” or must be dealt with before all the other subsidiary motions, and so on down the list. In addition, any subsidiary motion on the table must be voted on before the main motion may be voted on. The most common subsidiary motion is the motion to amend.

Privileged Motions

Privileged motions are motions that have immediate and overriding importance that should, without debate, be permitted to interrupt any other business. They are not related to the main motion. The privileged motions are:

- Fix the time to which to adjourn.
- Adjourn.
- Recess.
- Raise a question of privilege.
- Call for the orders of the day.

Like subsidiary motions, privileged motions are also listed in order of precedence, from top to bottom.

Incidental Motions

Finally, there are incidental motions. These motions deal with questions of procedure and are not related to the main motion. They do not have an order of precedence and as a rule, are not debatable. An incidental motion must be dealt

with before the council can return to the main or subsidiary motions. There are 15 incidental motions, with the three most common being:

- ✓ Point of order.
- ✓ Appeal a ruling of the chair.
- ✓ Suspend the rules.

The others might only rarely be used, and can be researched by reviewing a copy of Robert's Rules of Order.

Sometimes, a council member may attempt to use parliamentary procedure to block the will of the majority by making motions to table or defer a matter, or otherwise prevent it from being adopted. A member skilled in parliamentary procedure can produce a lot of confusion and divert the attention of the council from acting on a main motion. It is the mayor's job to sort out the order and precedence of motions, explain the order of business to the council, and make sure that the will of the majority is not thwarted by clever maneuvers.

➔ **Making a Motion**

A main motion places an item before the council for its consideration and action. A council member says, "I move for the adoption of ordinance 93-16." The mayor then asks for a second, and when the motion is seconded, asks if there is any debate on the motion. Any subsidiary motions that may be made, such as a motion to amend the ordinance, or to table it, or send it to a committee, must be voted on before the main motion can be voted on. Roberts Rules of Order requires that every motion have a second. In Masons Rules, on the other hand, motions are not required to be seconded.

Every motion consists of eight steps that follow in order. These eight steps are:

1. A council member seeks recognition from the chair.
2. The member is recognized by the chair and "has the floor."
3. The member makes a motion.
4. The motion is seconded (Robert's Rules).
5. The chair restates the motion to the body.
6. Council debates the motion.
7. Council votes on the motion.
8. The chair announces the result of the vote.

➔ **Tying Things Together**

The mayor must be able to take into account public testimony, council deliberations, her/his own knowledge of the issue at hand, public attitudes and an understanding of the community, in guiding the council towards a decision. Tying all the various ends of an issue together successfully, and bringing questions to a vote, will depend on the mayor's ability to help piece together a position that a majority of the council can support.

Chapter IX. Relationship with the Council

◆ The Mayor is Not a Member of the Council, Except in Second Class Cities

In first class and home rule cities, the mayor is not a member of the council, but is elected separately. In second class cities, the mayor is first elected as a council member, then elected by council members as the mayor. The position of mayor must be regarded as separate and distinct from the position of council member. This is due to the mayor's separate executive and administrative responsibilities, and because the mayor is chosen, either by the voters or by council members, to the city's top leadership position.



The mayor can be compared to a chairman of the board. She/He is charged with carrying out board (i.e., council) directives and is the leader of the council. In addition, the mayor is often expected to have a broader and more community-based view on issues. More so than individual members of the council, who may lean toward certain viewpoints or certain groups of people in the community.

◆ Who Works for Who?

The mayor and council are supposed to work together for the benefit of the entire community and its residents. Sometimes, though, the relationship between the mayor and the council can become confusing and lead to questions of just exactly who is in charge, and exactly: Who works for who?

The mayor is the political leader of the city. The mayor also has executive and administrative powers, such as those granted in Title 29, that may be exercised without the prior consent of the council unless local ordinances state differently. These could include hiring, evaluating and dismissing employees; establishing committee memberships; or preparing or ordering the preparation of financial reports. On the other hand, the mayor may not adopt new policies, commit city finances, undertake new initiatives, or represent the official views of the city without prior council approval. For example, the mayor does not have the authority to enter into a grant agreement, the council must approve that; but the mayor, unlike a member of the council, has the authority to formally execute the grant agreement with her/his signature.

◆ **Hearing the Whole Council**

Typically, the council will be composed of people with differing points of view, just as there are many voices and points of view in the community. In making decisions and taking positions, the mayor is expected to hear and take into account all of the voices of the council, the weak as well as the strong. In doing so, the mayor will unavoidably accept the advice and opinions of some, and omit the advice and opinions of others.

The mayor is expected to take positions and make decisions, and in a practical sense, this means leaving some people “in” and other people “out.” Council members understand this and do not expect the mayor to try and bend to everyone’s will. What council members do expect, though, is that the mayor will listen to them and take reasonable positions based on their ideas and advice. A mayor who does not listen to the council, or who discounts the advice of certain members even when it is good advice, or who has obvious favorites and shows it, risks losing the full council’s input and support. Finally, the mayor has no interest in alienating a member of the council today, whose support she/he may need tomorrow.

◆ **Keeping the Council Informed**

The mayor must keep the council informed, not just selected members of the council, but the whole body. If the mayor fails to share with the council information it needs to make decisions, or to be fully informed on issues important to the community, it will breed suspicion and mistrust. People may believe the mayor has a hidden agenda, or is playing favorites, or has something to hide. A well-informed council is more capable of making good decisions and more likely to be responsive to the mayor’s initiatives.

◆ **Using the Council’s Talents**

The men and women on the council have many personal abilities and talents that can be used for the benefit of the community and its residents. The mayor should keep in mind council members’ abilities when making committee assignments. She/He should solicit advice from council members with special knowledge or expertise. For example, if the city is considering a sales tax, a member of the council who is a small business owner may have good ideas on reporting sales tax earnings or designing the reporting forms. The mayor should get to know council members according to their abilities, and according to their attitudes and other personal characteristics, so she/he knows when and how (and when not and how not) to use them.

◆ The Use of Committees

The use of committees offers the council an opportunity to make the flow of business both more manageable and more efficient. Committees offer several advantages.

- ✓ Committees allow the council to use its time more efficiently by assigning issues that are not ready for council action to committee for further work.
- ✓ Committees give the council a look at new or unfamiliar issues in a more relaxed setting that does not require that a decision be made.
- ✓ Committees allow for expanded discussion of complex, sensitive or difficult issues so council members can become more fully informed before having to make a decision.
- ✓ Committees permit a more even paced scheduling of work
- ✓ Committees are a good place to “sort things out” on complicated issues.



Generally, councils have two sorts of committees: standing committees that operate on a permanent basis and ad hoc committees that are organized for a particular purpose then disbanded.

Standing Committees: Standing Committees might include finance, public works, lands and resources, and human services. Refer issues needing work to these committees and have the committees bring recommendations back to the council for action. Standing committees are formed of council members and may sometimes have a city planning commissioner as a member. Expect committee chairs to give committee reports at each council meeting.

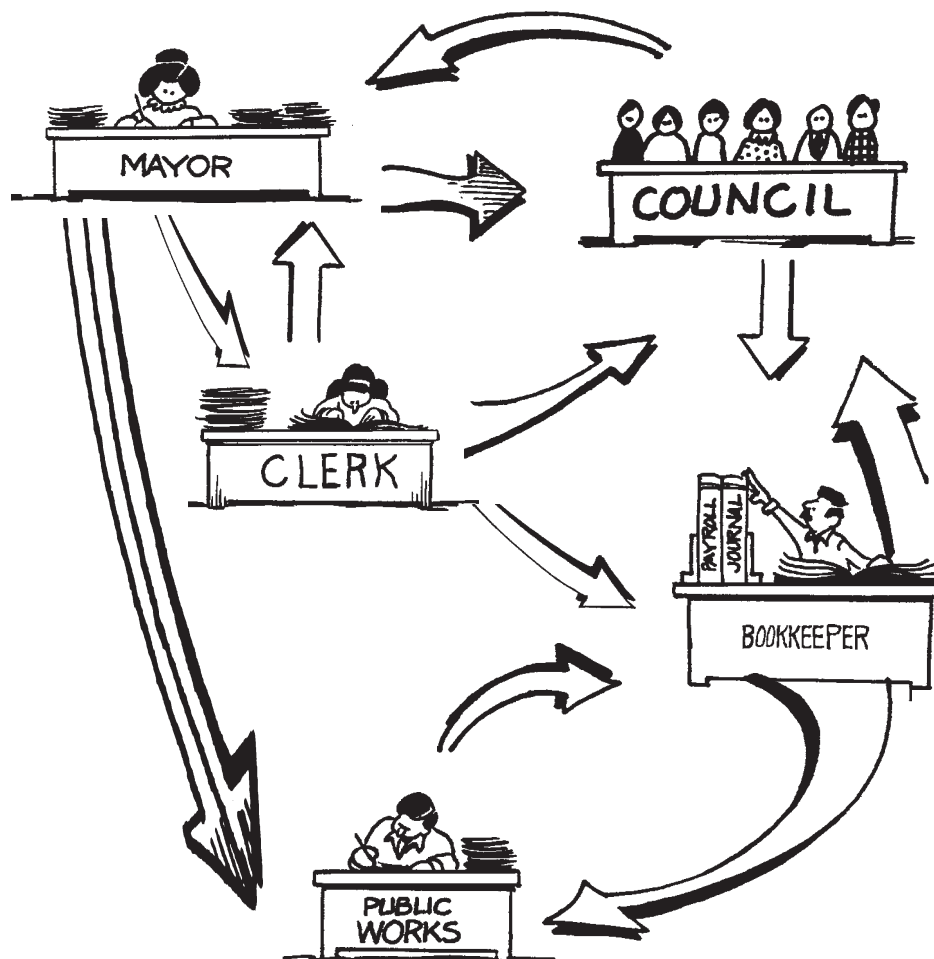
Ad Hoc Committees: Ad hoc committees are established to form recommendations for council action on special or nonrecurring issues. Councils will often appoint citizens to ad hoc committees, knowing they have interest or expertise in a given subject. Typically, in this instance, at least one member of the council will be appointed as a liaison. Ad hoc committees should be given a definite time for bringing a recommendation back to the council. Ad hoc committees should be disbanded once their work is done.

◆ The Use of Work Sessions

Work sessions comprising a committee of the full council —often called the Committee of the Whole — can be very useful for informal discussion of complex or difficult issues. This kind of discussion can help the council spot issues, problems, areas of agreement and disagreement, and so on, before a matter is actually brought before the council for action. Usually, issues that are important enough for full council review, but are not yet ready or may not be appropriate for council action, are referred to the Committee of the Whole, rather than a standing or ad hoc committee.

◆ Maintaining Working Relationships

There is an old saying in politics, “what goes around, comes around.” What this means, more or less, is that if you are rude or forceful in your relationships, then others will treat you that way too. No one can do the work of the council without input from others. The work of running a community will always involve the mayor in dealings with others, and the mayor’s ability to accomplish work will depend on having good working relationships. You don’t have to be friends with another person to have a good working relationship with them; you do need to have a shared understanding of what you are trying to accomplish, however, and be willing to place community interests above personal interests.



Chapter X. Desirable Personal Characteristics

➤ **Fairness**

The mayor should try to be fair in his/her dealings with the public, to approach everyone equally, and give each person the same rights. This does not mean the mayor has to be too easy on people who are aggressive, or who make personal attacks or accusations without facts to back them up. The mayor has a responsibility to defend his/her, as well as the council's, record and earned respect. But the mayor must view people equally without regard to personal feelings.

➤ **Tact**

The mayor must be tactful in dealing with members of the public and the council. Rude, overaggressive or insulting behavior by the mayor reflects poorly on the mayor, and on the whole council. Tactless or thoughtless behavior can alienate members of the council and the public, lead to a loss of respect and make it more difficult for the mayor to provide leadership on complicated or divisive issues, or promote a positive agenda for the city.

➤ **Quick Thinking**

The mayor may have to think, and act, quickly, in overseeing the business of the council. This could involve anything really, but may include: summarizing the positions of council members, restating or clarifying council member motions, giving direction to the staff based on the differing views of council members, or hearing and taking into account new information on short notice.

➤ **Respect**

The mayor should have the respect of the residents if he or she is to govern effectively. Also, the mayor should show respect to the public, council and staff. The mayor may gain respect during his/her term when his/her judgement has been tested and found to be good, when his/her opinion is sought out or when he gains support from diverse elements of the community. Earning and having this respect will help the council conduct business and enhance its role and reputation in the community.

➤ **Speaking Ability**

As the council's spokesman, the mayor must be able to explain the council's positions to residents of the city, to the media, to state and federal agencies and to other organizations such as Alaska Municipal League or Southeast Conference.

The mayor should be able to explain complex or controversial matters that are either poorly understood or disputed in the community.

➤ **Understanding the Issues**

Imagine if the mayor tried to lead the debate without understanding the issue! The mayor must be able to understand the issues the council is discussing and acting on. Failure to understand an issue can leave the mayor out of the discussion, can lead to confusion and can result in poor decision-making. Of everyone, the mayor needs to put in extra effort learning the issues, studying the agenda and preparing for the meetings.

➤ **Diplomacy**

Webster's Dictionary defines diplomacy as, "skill in handling affairs without arousing hostility." Like tact, diplomacy is the ability to get along with people and relate to them positively and constructively on their issues and concerns. It does not mean agreeing with everybody, but respecting everyone's rights. It means behaving politely even with people with whom you may disagree. It means finding the points of agreement that can bring people to a solution, not exposing the differences that separate and divide them.

➤ **Toughness**

This may not seem to fit with the other qualities that make a good mayor. But it does not mean unwilling to listen, or unable to respond to new ideas or new information. Essentially, it means sticking to a position when it is correct, even if it is unpopular and holding other council members to promises or commitments they have made. It means holding to the council's position in negotiations with city contractors and getting the best deal for the city in dealing with vendors and suppliers. Toughness means leading the council to a difficult decision.

➤ **The Ability to Make Decisions**

You may have heard the expression "studying it to death." This is sometimes what happens when a decision is difficult, complex, unpopular or not "ready" for action. Studying an issue, while it is important to get the necessary information and analysis, is not a substitute for taking action. Delay for its own sake, to avoid making tough or unpopular decisions, is not good policy. Making hard decisions thoughtfully and carefully will give the mayor and council confidence in their ability, and make later decision-making less threatening.

Chapter XI. The Rewards of being Mayor

● Getting the Job Done

Normally, there is not much satisfaction from completing a task that is easy or routine. But completing a task that is difficult — a task that takes time, effort and energy — usually results in a deserved feeling of accomplishment. Imagine if you spent 1,000 hours watching television and 1,000 hours building a skiff. Which would you be more proud of? If you said watching television, do not run for council or for mayor. If you value work, however, and the satisfaction that comes with doing your best, then you will be rewarded for your service.

● Helping People

A lot of people, even at the community level, are uncertain how to work effectively with government. Maybe they are suspicious or mistrustful; maybe they don't know how to approach city officials or think no one will listen to them; maybe they don't have the time or the inclination; maybe the process of city government seems too formal and too distant. Helping people, especially those who have an issue but don't know how to bring it forward, can be personally gratifying while also boosting the image of local government and "city hall." Be honest with people about what city hall can and cannot do, it will go a lot further than leading people on unrealistically.

● Improving the Community

Which sounds better, leaving a legacy of accomplishment and good work or a reputation as an ineffective leader who could not get things done for the betterment of the community? The idea of improving the community may sound easy, but in fact, it means working effectively with others, including those who disagree, understanding local issues and opportunities; being determined to find solutions to hard questions; in short, working hard, working smart and working together. All the qualities that make a good mayor, such as tact, fairness, speaking ability and problem solving, are important elements in the mayor's ability to leave a legacy of good works. Dedication to improving the community — a new water system, a library, a new fire truck — will require hard work that can instill pride.

